



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22315-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/895,557

06/29/2001

Andrew V. Anderson

42390.P9765X

6490

8791

7590

11/17/2006

BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025-1030

EXAMINER

CHANKONG, DOHM

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/895,557

Applicant(s)

ANDERSON ET AL.

Examiner

Dohm Chankong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 and 36-39 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-33 and 36-39 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 8/28/06  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

Art Unit: 2152

### DETAILED ACTION

1> This action is in response to Applicant's amendment, filed 8.28.2006. Claims 1, 11, 21, 27 and 31 are amended. Claims 1-33 and 36-39 are presented for further examination.

2> This is a final rejection.

### *Drawings*

3> The drawings were received on 8.28.2006. These drawings are accepted.

### *Response to Arguments*

4> Applicant amends the independent claims to recite that handling by the digital assistant includes the digital assistant responding to an originator of the event in lieu of the user. Applicant argues that Horvitz is merely directed towards "replying to a sender of the text based on very general routing criteria."

Beyond a mere conclusory statement, Applicant fails to articulate why Horvitz's teaching of a replying mechanism is different from what is claimed by Applicant. The Office is unable to see any distinction between Horvitz's auto-reply service from Applicant's claimed handling of an event in lieu of a user. In the Office's view, Horvitz is teaching a means for a system to respond to a sender of a message in lieu of a user when the user is unavailable. As can be appreciated by one of ordinary skill in the art, such a feature would be "useful when the user desires to indicate to the sender of a message that the user is not present, and thus may provide the sender with contact information as to how to reach the

Art Unit: 2152

user" [0275]. Since the user is not present, Horvitz is strongly indicating that the system is acting in lieu of the user. In response to a message, the sender receives appropriate contact information from the replying mechanism. In addition, Horvitz discloses: "the sender may be sent an indication that the user is away from his or her primary device" [0017].

Horvitz discloses another example of a mechanism responding to a sender of a message in lieu of the user. Horvitz discloses that an automated reply mechanism responds to high priority messages within a certain period of time when it is determined that the user is not available [Figure 25 | 0108]. Again, the primary feature is that the user is not present when the response is sent to the sender.

With respect to the priority feature, Horvitz discloses that different messages will have different priorities based on a variety of features such as the type of message, the number of recipients of a message and the sender of the message [0250-0252]. After the message has been classified, an appropriate response is determined based on the classified priority [0232, 0247].

Based on the foregoing discussion, Applicant's arguments are not persuasive. The amended limitations do not distinguish over Horvitz's teachings. Therefore, the rejections set forth in the previous action are maintained.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

Art Unit: 2152

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5> The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action, see 12.5.2005. Only those claims that have been amended are formally addressed in this action, see response above and rejections that follow.

6> Claims 1, 3-6, 10, 11, 13-16, 20-25, 27-29, 31-32, 36 and 38 are rejected under 35 U.S.C § 102(e) as being anticipated by Horvitz et al, U.S Patent Publication No. 2003|0046421 ["Horvitz"].

7> Regarding claims 1, 11, 21, 27, and 31-32, Horvitz discloses a method, a computer readable medium comprising instruction and a digital assistant, e.g., computing device ("system", hereinafter), comprising, steps, means and executable instructions for:

providing a digital assistant having an event detector and an agent selector [Figure 3 | 0075, 0076];

receiving by the event detector the information of an event from an information provider [Figure 1 | Fig. 27 where : Horvitz's message controls receives information that a message has arrived for user (event)];

determining by the event detector the level of importance of the event relative to a user of the digital assistant [0009, 0011, 0014-15, 0065, 0076, 0113 where : each arriving message is given a priority (level of importance)];

weighing by the agent selector the level of importance against an amount of intrusion to the user if the digital assistant takes an action to resolve the event [0075, 0076 where : the message controls may “resolve the event” by, for example, forwarding or not forwarding the message to the user depending on the priority of the message];

handling by the digital assistant the event without contacting the user if the level of importance of the event is greater than or equal to a first threshold and less than or equal to a second threshold, the handling including the digital assistant responding to an originator of the event in lieu of the user [Fig. 23-26 | 0017, 0074-75, 0083, 0108, 0275 where : user is not contacted if the message priority is not high enough to disturb the user (if he is in a critical, or more important, meeting). See also response above. ]; and

contacting by the digital assistant the user in order for the user to resolve the event if the level of importance is greater than the second threshold [0075, 0076, 0103 where : if the message has a high enough priority, the assistant automatically forwards it to the user through his devices so he can immediately read (“resolve”) the message].

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art

Art Unit: 2152

are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8> The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9> Claims 2, 12, 37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz, in view of what was well known in the art.

10> Claims 7, 17, 26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz, in view of Fisher et al (US. 5,835,896).

11> Claims 8-9, 18-19 and 33 are rejected under 35 U.S.C § 103(a) as being unpatentable over Horvitz.

#### *Conclusion*

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 2152

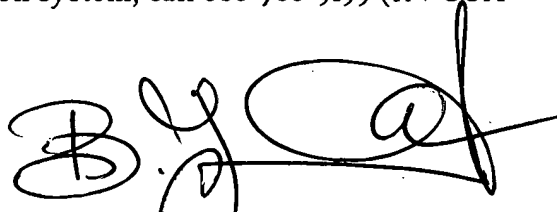
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Tuesday-Friday [7:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC



BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER